

SENATE BILL 2300

By Jordan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 5, relative to sexual offenses.

WHEREAS, In the May 30, 1997 Court of Criminal Appeals opinion in the case of State v. Dominy the court stated in its conclusion:

When our General Assembly debated the limited spousal exclusion bill we are sure that they never contemplated as bizarre a set of facts as we have here. One cannot imagine the base, vile, and inhumane acts that the appellant perpetrated upon his wife. We are also certain that the legislature would want this type of criminal conduct to be punishable as more than a Class C felony. Hopefully, our legislature will address this issue and assess an appropriate penalty for this wicked conduct.

WHEREAS, the new offense of aggravated spousal rape created by this act is the General Assembly's response to the court's plea for legislative action in the Dominy case and by increasing the penalty from a Class C to a Class B felony when the spousal rape is accompanied by especially cruel conduct, it is the General Assembly's intent to both deter and more severely punish in the future the type of reprehensible conduct that occurred in the Dominy case; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-507, is amended by adding the following new subsection (c) and by relettering present subsection (c) accordingly:

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(1) "Aggravated spousal rape" is the unlawful sexual penetration of one spouse by the other where:

(A) The defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon; or

(B) The defendant causes serious bodily injury to the victim; and

(C) During commission of the offense the defendant knowingly engaged in conduct that was especially cruel, vile and inhumane to the victim.

(2) Aggravated spousal rape is a Class B felony.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.